

October 26, 2006

Chairman Scott called the regular meeting of the Union Township Planning Board/Board of Adjustment to order at 7:10 p.m. The Sunshine Statement was read.

Members Present: Mr. Mulhall (Present for Roll Call), Mr. Martin, Mr. Brandt,  
Mr. Lukasik, Mr. Bischoff, Mr. Rosol, Mr. Roth, Mr. Grossi,  
Mr. Scott

Members Absent: Mr. Rossi

Others Present: Atty. William Sutphen, Robert Bogart, Carl Hintz, Stephen Souza,  
Vincent Uhl, Kenneth Newman, Atty. Michael Gross, William Mulligan,  
Joseph Staigar, Michelle McBride, John & Kathleen Corcoran, Tom  
Ricker, Bill Palumbo, Atty. Douglas Janacek

Mr. Mulhall recused himself prior to the Pilot Travel Centers Hearing. Atty. Michael Gross, representing applicant, said he had two housekeeping matters. Mr. Gross asked for a special meeting. It was determined there would not be enough Board members for a quorum; nor would all Board professionals be available in November for a special meeting. Mr. Scott said an attempt would be made to hold a special meeting in December. Atty. Gross said revised plans would be submitted. Pilot will not be seeking a front yard setback variance and landscaping will be provided in that area. Truck and automobile parking had been proposed before. Mr. Gross said upgrades are proposed to the storm water management system. Pilot's position is that is not required since they do not believe their application is major development. Mr. Scott emphasized the urgency of storm water plans getting to Dr. Souza. It was decided those plans would be sent directly to Dr. Souza, as well as drainage calculations.

Atty. Gross noted that at the last Hearing, Atty. Janacek had additional questions for Mr. Mulligan. Mr. Janacek said he did not have any questions at this time. Atty. Gross asked Mr. Mulligan, who remained under oath, if he felt there would be a likelihood of an increase of spills in the northwest corner of the site, since trucks would be using that access for ingress and egress. Dr. Souza had raised that question at the previous Hearing. Mr. Mulligan did not think there would be an increase. He said most spills occur when fueling. Atty. Gross said there were public comments about the safety of children using the arcade and restrooms. Mr. Mulligan said there have not been problems at other sites; however, Pilot would delete the arcade. He said in his 12 years with Pilot there have not been problems at restrooms. Mr. Mulligan said existing employees would be offered employment with Pilot. Atty. Gross said he had no further questions. Mr. Scott asked for questions from the Board and/or Board professionals. Dr. Souza said he understood that grading would be designed to have drainage towards the center of the site, not off site. Mr. Mulligan said there will be catch basins in the southwest corner. Pilot also proposes placement of an oil water separator. Mr. Scott asked for clarification that the arcade is no longer proposed and what would be in the arcade's area. Mr. Mulligan said the arcade area would probably be used for storage.

Mr. Grossi had a question about the dual access for trucks and the likelihood for greater or lesser incidents of spillage. Mr. Mulligan said in his 12 years with Pilot, there has never been a spill of more than 50 gallons (considered a major spill). Mr. Grossi asked if a spill of more than 50 gallons would be reported. Mr. Mulligan said it would. Pilot has risk management assessments at which time spills would be discussed. Mr. Grossi asked if the greater spills would necessarily relate to double truck traffic. Mr. Mulligan said most spills happen when offloading fuel. Mr. Grossi asked Mr. Mulligan if he would know if a truck using the area twice was involved in a spill. Mr. Mulligan said he did not know of such an event. He acknowledged he had no facts or evidence to support that statement; it was his opinion. Mr. Lukasik asked if Pilot had other sites where trucks criss-cross when entering and leaving. Mr. Mulligan said probably 30% of the sites would use a common entrance and exit. He mentioned sites in Shelbyville, Indiana and Columbus and Caldwell Ohio. Mr. Scott asked the size of those facilities, as compared to this proposal. Mr. Mulligan said the Caldwell site has about five acres and the Columbus site is about the same size. Mr. Scott asked the number of fueling stations and truck parking spots. Mr. Mulligan said they were about the same.

Michelle McBride, Olde Forge Lane, said Pilot's Website mentioned internet kiosks at a number of facilities and that more will be offered in the future. Mr. Mulligan said that is incorrect. The Website has not been updated. There will not be a kiosk at the proposed facility. Ms. McBride had a question about Exhibit A-7. She asked Mr. Mulligan to identify the building across the street from Johnny's. Mr. Mulligan said it is the Exxon Station. Ms. McBride asked if Mr. Mulligan knew what the building next to Exxon was. He said "No". Ms. McBride pointed out the path from Johnny's to Charlestown Road. She said the path continues beyond Exxon to the Perryville Liquor store. Ms. McBride said she has been told that truckers walk to the Liquor Store, pick up liquor and take it back to the Truck Stop. Mr. Mulligan said he was unaware of that. Ms. McBride asked Mr. Mulligan if he knew if it was against the law in Jew Jersey to have an open container of alcohol in a parking lot in a truck stop. Mr. Mulligan said he did not know. He said Pilot has a policy that you can't drink alcohol. He also said Pilot does not have a specific policy on open containers of alcohol. Ms. McBride said it would be possible that people could have open containers of alcohol in the parking lot. Mr. Mulligan said "as well as anywhere else in the State". Ms. McBride had a question about the percentage of truck drivers carrying guns. Mr. Mulligan said he did not know. He also said Pilot would defer to State laws regarding guns. Mr. Mulligan said he does not have the Constitutional power to enforce inspection of trucks. Ms. McBride asked Mr. Mulligan about a murder at the Truck Stop a number of years ago. Mr. Mulligan said he had no idea about that happening. Ms. McBride mentioned an article in People Magazine called Nightmare at the Truck Stop. Atty. Gross objected. He said the article had nothing to do with tonight's testimony. Mr. Scott said he did not know what Ms. McBride's question was.

She said the article states that hundreds of girls are being forced into prostitution at truck stops. Ms. McBride asked if Pilot had a policy on visitors in the truck stop area. Mr. Mulligan said the only people Pilot wants there are truck drivers. Management would be sent out if anyone in that area seemed out of place. Ms. McBride asked about management availability in the evening. Mr. Mulligan said there will always be one manager on duty. The general manager of the facility may overlap in the evening. Mr. Mulligan said all employees are trained to investigate if it seems like a person does not look like they should be the area. Kathleen Corcoran, Highland Ridge, asked the average age of employees at Pilot sites. Mr. Mulligan said he did not know. Ms. Corcoran also asked if Pilot planned to get a Waste Water Management Plan Amendment. Mr. Mulligan said he would defer to the Environmental Engineer. Ms. Corcoran said if Pilot is going to have a WWMPA they would need to upgrade their Storm Water Management proposal. Mr. Mulligan said the Environmental Engineer would provide testimony tonight, if time allowed.

Todd Dickson, Fairhaven, NJ asked Mr. Mulligan to describe employee training. Mr. Mulligan said he does not do specific training. Atty. Gross asked if Mr. Dickson was employed by the Objectors. Mr. Dickson replied in the affirmative. Mr. Gross said he understands that Counsel should be asking questions. Mr. Dickson said he would convey questions to his Counsel. Atty. Janacek asked the process for employee training. Atty. Gross objected. He said questioning was limited to Mr. Mulligan's testimony tonight. Mr. Gross said he would leave it to the discretion of the Chairman. Mr. Scott said he understood Mr. Gross's objection. However, he was trying to minimize the number of times Mr. Mulligan would have to appear before the Board. Mr. Mulligan said he did not know the number of hours for training. Atty. Janacek said the question was "can you describe training procedures for different jobs"? Mr. Mulligan said "No". Mr. Janacek asked if there are training programs. Mr. Mulligan said "Yes". There are internal policies if problems arise with employees. Atty. Janacek asked Mr. Mulligan if he could describe them. Mr. Mulligan said "No". Mr. Janacek said he had other questions regarding tonight's testimony. He wanted to know the number of truck parking spaces at the sites mentioned by Mr. Mulligan. Mr. Mulligan said somewhere between 75 and 100. Mr. Janacek asked about car spaces. Mr. Mulligan said he would review. Atty. Janacek asked if the buildings at the sites mentioned tonight were similar in size. Mr. Mulligan said they were slightly larger because they had either a Wendy's or an Arby's. The size would be between 9,800 and 10,500 square feet, depending on the year each was built. They are average size buildings. Mr. Janacek asked where an interested person might visit a Pilot to see how it operates. Mr. Mulligan said one could go to Bordentown. He described the turn around area and said that site has between 9 and 10 acres. Mr. Mulligan believes there are more truck and car parking spaces at the Bordentown site. Atty. Janacek said he had no further questions.

Mr. Scott asked for other questions for Mr. Mulligan. John Corcoran, Highland Ridge asked how many showers were proposed. Mr. Mulligan said six or seven.

They are separate from the showers in the public restroom area. Showers are not separate for men and women. Mr. Corcoran asked the process to take a shower. Mr. Mulligan said there is a flat fee and anyone can use the shower. A person is given a key to use the shower. There is no time limit. In response to a question from Mr. Corcoran, Mr. Mulligan indicated that as far as he knows two men could jump into one shower.

Michelle McBride asked if she would have an opportunity to ask questions of Mr. Mulligan on last month's testimony. Mr. Scott said if there was something new she could ask those questions. Ms. McBride wanted confirmation on the estimated number of trucks and cars. Mr. Mulligan deferred that question to the Traffic Engineer. Ms. McBride asked the anticipated rate of growth for the next five years. Mr. Mulligan said it could be flat or it could increase or decrease. Pilot looks at growth overall. One Center is planned in Mahwah N. J. Mr. Mulligan did not think that site would impact this proposal. Thirty additional facilities are planned throughout the United States in 2007. Ms. McBride mentioned a 70% increase in truck traffic miles. Mr. Mulligan said he was not familiar with the rate and Pilot's increase would not necessarily be similar. Ms. McBride asked if it would be good for Union Township and Pilot to look at potential growth and see if the infrastructure and the site could withstand that growth. Atty. Gross objected to the question. Mr. Mulligan said he thinks the NJDOT does that type of analysis. He said he would defer to the Traffic Engineer.

Kathleen Corcoran asked what helped Pilot decide upon Johnny's. Mr. Mulligan said it is difficult to develop anything in N.J. Hence, existing facilities are sought. Ms. Corcoran said Pilot plans to expand. Mr. Mulligan said not really. Pilot wants to put up a new building. They do anticipate an increase in patronage. Ms. Corcoran asked the number of washers. Mr. Mulligan said there will be two washers and four dryers at the store. Pilot will have two washers for their use. Bill Palumbo asked about the capacity of the containment area for potential spills. Mr. Mulligan said the capacity would be 8900 gallons. Mr. Mulligan's testimony concluded at this time.

Atty. Gross called Joseph Staigar, Traffic Engineer, to come forward. He was sworn by Atty. Sutphen. Mr. Staigar stated his credentials. They were accepted. Atty. Gross asked Mr. Staigar if he was generally familiar with Pilot. Mr. Staigar replied in the affirmative. He was asked to assess traffic impacts, prepare an analysis and submit an application to the NJDOT for an access permit. An evaluation of existing and projected impact was performed and in conjunction with the Site Engineer, a plan was prepared that would be safe and efficient. Pilot is modifying the driveways. Mr. Staigar gauged potential traffic at Johnny's with that at the Bloomsbury site. He said trip generation would be comparable in terms of operation. The Bloomsbury site is smaller. The two sites are laid out differently and ingress is different as well. Mr. Staigar presented an Exhibit that was marked A-14. It was a Chart with three tables showing existing trip generation, projected generation and trip generations based on Pilot's projected increase in volume.

Mr. Staigar explained how the trip generations were determined. He also mentioned an informal meeting with the Planning Board at which time the suggestion was made to reroute some traffic via Exit 13. NJDOT thought that would be a good idea. Mr. Staigar said Pilot will do what the Board deems appropriate. He mentioned comments with respect to impact of certain improvements in the area, including the expansion of Foster Wheeler. He said it would be difficult to determine the impact of a project that was approved many years ago. Atty. Gross asked Mr. Staigar about improvements at Exit 15. Mr. Staigar they are ramp improvements and feels they will have minimal impact on what would happen at Charlestown Road and Exit 12. He said some striping is proposed on Route 173 and modification of the left-hand turn for eastbound traffic is proposed.

Mr. Staigar presented an Exhibit entitled Truck Turning Plan that was marked A-15. It showed existing and proposed circulation. That Exhibit depicts how a wheel base 67 truck would circulate. Cars and trucks will have separate driveways. Atty. Gross presented two more Exhibits that pertained to stacking at the facility. They show portions of A-15 and were marked 16A, proposed and 16B, existing. Mr. Staigar said Pilot does not anticipate stacking onto the highway. The next Exhibit, marked A-17, was a site plan of the Bloomsbury site and provided a comparison between the two sites. Atty. Gross asked Mr. Staigar the risk of internal collisions, based upon the circulation plan, A-15. Mr. Staigar did not see a potential for collisions. Trucks move very slow at travel centers. Mr. Staigar had evaluated the adequacy of the area for both truck and automobile turning movements. Mr. Staigar said parking stalls should be adequate. Because The Federal Highway Administration has allowed bigger trucks and there will be an overhang, stripes will be longer to accommodate the overhang. Regarding fuel deliveries and the impact on circulation, Mr. Staigar indicated that should not be a problem. Mr. Staigar said he had another handout. It was marked Exhibit A-18 and depicted the truck circulation plan of the car fueling area. A-18 depicted a wheel base 50 truck traveling along the truck driveway. Mr. Scott asked that the three amendments to the site plan presented tonight be reflected on one plan. He wanted to make sure the record reflected what Pilot was asking the Board to rule upon. Atty. Gross said he understood. He thought other changes might be made as the Hearing proceeded. Mr. Gross said revised plans would be submitted accordingly.

Atty. Gross asked Mr. Staigar the importance of signs, both directional and identification. Mr. Staigar said proper and ample signage is important in order for motorists to make a judgment. He said that gasoline and other fuel facilities have more demands because people price shop for those purchases. Mr. Staigar said that directional signage is proposed on the interior to segregate truck and car traffic. Mr. Staigar said he had reviewed reports from Raymond Keyes and Associates, the Board's Traffic Consultant. He was in accord with suggestions in the Keyes' reports. Mr. Staigar said he had evaluated the potential for increased air pollution and noise generation. He said the potential for the number of vehicles idling on the site is less than what exists. Regulations on idling are becoming more stringent.

Mr. Staigar indicated noise should not be significant since there are no residences in the immediate area. Mr. Gross said he had no other questions for Mr. Staigar. Mr. Gross asked for questions from the Board. Mr. Bischoff asked Mr. Staigar a question about his report dated April 7, 2005 in which he said that traffic volumes would not change to any significant degree. Mr. Bischoff said that a report from Mr. Stout, Pilot's Engineer, stated that traffic would be expected to increase. Mr. Staigar said that was a statement, his was an opinion. He said that even with an increase if there is a good level of service there should be no impact on air quality and noise. Mr. Scott said Pilot would be degrading southbound traffic along Charlestown Road with a 77 second delay. Mr. Staigar said it would be the westbound left turn. Mr. Scott said the mitigation requires the delay for northbound traffic on Perryville and Charlestown Roads and east and west bound traffic on Route 173 and southbound on Charlestown. Mr. Bischoff said traffic on those roads is people trying to get to work and school busses. Mr. Bischoff told Mr. Staigar he had testified to that earlier. Mr. Staigar said he testified to the westbound left turn. He said the level of service would not be degraded. Mr. Lukasik asked Mr. Staigar to explain the levels of service. Mr. Staigar said the levels of service relate to average delay and go from Level A to F, with A being the least and F the greatest. Mr. Scott asked Mr. Staigar questions about the level of service as it relates to peak hours. Mr. Staigar explained.

Mr. Roth asked Mr. Staigar about proposed phases at Exit 15. It is proposed that traffic will be diverted from the correctional institute westward toward Exit 11 and 12. Mr. Staigar had provided testimony about the ramp improvements. He did not know of any study about other plans. Mr. Roth said NJDOT has approved the project, it is not a study. He recommended that Mr. Staigar contact the State. Mr. Staigar said he would try to get the computer program. However, the information he obtained from the State did not have traffic projections of any impact on Charlestown Road/Exit 12. Mr. Roth said the purpose is to take the load off of Exit 15 and he had seen the State's presentation. Mr. Staigar said he would try to obtain information from NJDOT. He asked Mr. Roth to provide the name of the person who gave the presentation. Mr. Scott asked Mr. Staigar to provide information on the two levels of service off the I-78 westbound ramp. Mr. Staigar said one was a morning Level and one was for the afternoon. Mr. Scott asked questions about Levels at other areas. He also said that Level of Service F, defined as anything over 80 seconds, could be defined as flow at slow speeds resulting from lines of vehicles backing up from a restriction. Mr. Staigar agreed. Mr. Scott and the restriction under the proposed build would be Pilot's increase in traffic. Mr. Staigar disagreed. He said the Level would be F even if Pilot doesn't go in next year.

Mr. Scott asked the impact on the intersection on the south side of Route 78 by the Shell Station and the Bagel Smith if there were two WC67 trucks. Mr. Staigar said he had not looked at that. He felt that trucks traveling on Route 78 would probably use the Bloomsbury facility since that would be easier. Mr. Scott asked Mr. Staigar if he had studied Exit 13. He said he hadn't.

Mr. Scott asked Mr. Staigar if he knew how Union Township residents access the Pittstown section of the Township. Mr. Staigar said he did not think anybody knows how individuals would make that movement. Mr. Scott asked if Mr. Staigar knew that the State would like to discourage traffic away from Exit 15. Mr. Staigar said "No".

At this time, Mr. Scott requested a break. (9:23 p.m. to 9:36 p.m.). The Hearing resumed. Mr. Scott said the Hearing would continue until 10:00 p.m. Atty. Gross said Mr. Staigar had a correction to his testimony about truck traffic from Exit 13. He will provide a side by side comparison of directing trucks through Exit 13 versus not directing them and what happens at Exit 12 without directing that traffic. Mr. Roth asked for an analysis of the turn at the intersection when an eastbound truck crosses the overpass and makes a right hand turn to get to the Pilot entrance. Mr. Staigar emphasized he does not think there will be any added volume because they probably would have stopped at the Bloomsbury site. Mr. Roth said he understands that the Pilot facility at Bloomsbury is less efficient and if he was the truck driver he would go to the more efficient newer facility that has better amenities. Mr. Staigar said that was a good thought. If there were problems at Bloomsbury then you would bypass that site. However, he did not think there were that many problems. Mr. Bogart asked Mr. Staigar if he had visited the Bloomsbury site at the evening peak hour. Mr. Staigar said "Yes". He had been on that site a dozen times over the last two years. He said there were times he saw problems and times he didn't. Mr. Bogart asked if he had seen a problem that might make a trucker choose to go to Exit 12. Mr. Staigar said that maybe 40% of the time there was an instance where a truck could not get into the site. Mr. Bogart asked Mr. Staigar if he had a record of his visits. Mr. Staigar said he could not give the exact dates.

Mr. Bogart asked Mr. Staigar about attempts to obtain information on proposed Foster Wheeler improvements and the impact on Exit 12. Mr. Staigar had contacted Mr. Hintz's office. He was advised to contact the Union Township Municipal Office. Mr. Bogart asked Mr. Staigar if he was aware of a Master Plan approved by NJDOT for full build out. Mr. Staigar said he wasn't. Mr. Bogart asked Mr. Staigar if he knew how the access to Johnny's came into being. Mr. Staigar said he didn't. He was advised to contact NJDOT about the matter. Mr. Roth asked for more information on how signage is planned for the site. He said Bloomsbury had done a very effective job with their sign. Mr. Staigar said Bloomsbury has a billboard. This site will not. Mr. Grossi said Mr. Staigar indicated he was not familiar with the NJDOT plans for Exit 15. Mr. Staigar said he was familiar with the realignment but not with traffic volumes and reorientation of traffic volumes. Mr. Grossi said NJDOT presented a plan in February of last year. The plan redirected traffic off of Exit 15. Mr. Staigar said he did not know of any volume projections NJDOT has at the Charlestown Road/Route 78 ramp. Mr. Grossi said Mr. Staigar indicated there would be an incremental change with Pilot's plans. Mr. Staigar mentioned Board members concerns about the impact of Pilot in regard to the NJDOT Master Plan for Exit 15. Mr. Staigar said FW would have a greater impact. He will pursue obtainment of documents relating to other projects that would impact traffic.

Mr. Grossi had a question about the traffic counts. Mr. Staigar explained how and when they were performed and ultimately, the numbers that are shown in the Traffic Report.

Mr. Scott announced that tonight's Hearing would continue on November 30, 2006, without further notice. Atty. Gross said Mr. Staigar would not be available on that date and asked if another witness could present testimony. Mr. Scott replied in the affirmative. He said Board members would check for special meetings for the following dates: December 7th, 14th and 19<sup>th</sup>, 2006. Messrs. Newman and Staigar are not available on December 7, 2006.

There was no further business and the meeting adjourned. (10:10 p.m.)

Grace A. Kocher, Secretary